

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Lot 1, Block 1, Butterfield Trail Industrial Park, Unit 1, Replat "A", City of El Paso, El Paso County, Texas to provide service to Cardinal Health 200, Inc. located at #1 Butterfield Trail. (District #2)



ADOPTED THIS 15th DAY OF June 2004.

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


 Sylvia Borunda Firth
Assistant City Attorney

ORIGINATING DEPARTMENT: AIRPORT

STATE OF TEXAS)
) UNDERGROUND ELECTRICAL EASEMENT
COUNTY OF EL PASO)

For and in consideration of the sum of one dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of El Paso ("Grantor") grants unto El Paso Electric Company ("Grantee"), its successors and assigns, the right, privilege, and easement to enter upon, erect, construct, operate and maintain an underground electrical system consisting of one (1) transformer (conventional or pad mount), ducts, conduits, fixtures, manholes, handholds, vaults, and other usual appurtenances pertaining thereto, and an underground crossing with all necessary wires pertaining thereto, with the right of access, ingress and egress thereto, for the installation, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, or any and all purposes for which same is or may hereafter be used, over, upon, and along the following described premises in El Paso County, Texas, to wit:

A portion of Lot 1, Block 1, Butterfield Trail Industrial Park, Unit 1, Replat "A",
El Paso County, Texas, municipally known and numbered as #1 Butterfield Trail.

This easement shall be for the term of the Grantee's franchise and any extension and renewal thereof by the Grantor, but in no event shall the easement run longer than forty (40) years from the date hereof.

In accepting this grant, Grantee agrees that it will repair or restore, as reasonable, landscaping and paving if disturbed by Grantee as a result of construction, maintenance or repairs of or to its facilities in and upon such easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted.

Grantor will not be held responsible for any damage to Grantee's underground facility for excessive erosion due to flood run-off.

Should Grantee abandon the easement then the easement hereinabove described shall revert to Grantor or its successor and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

Grantee shall maintain the easement in accordance with applicable City Code provisions.

WITNESS THE FOLLOWING SIGNATURES AND SEAL this 15th day of June, 2004.

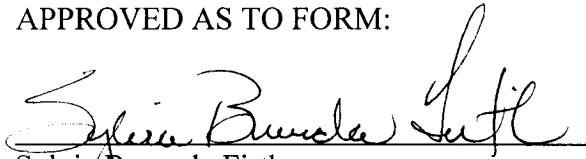
ATTEST

CITY OF EL PASO

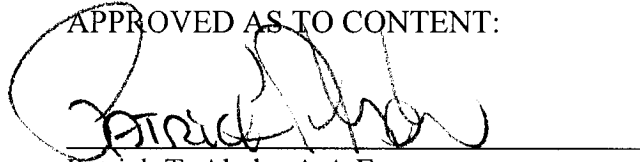
Richarda Duffy Momsen
City Clerk

Joe Wardy
Mayor

APPROVED AS TO FORM:


Sylvia Borunda Firth
Assistant City Attorney

APPROVED AS TO CONTENT:


Patrick T. Abeln, A.A.E.
Director of Aviation

ATTEST:

GRANTEE: THE EL PASO ELECTRIC
COMPANY

Name: _____

Name: _____

Title: _____

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____, 2004,
by Joe Wardy as Mayor of the City of El Paso, Texas.

Notary Public, State of Texas

My Commission Expires:

THE STATE OF _____)
)
COUNTY OF _____)

This instrument was acknowledged before me on this ____ day of _____, 2004,
by _____, as _____, for the El Paso Electric Company.

Notary Public, State of _____

My Commission Expires:

BUTTERFIELD TRAIL BLVD.

AIRPORT ROAD

EXISTING
ALLEGIANCE HEALTHCARE

±460'

±1060' TO C
OF LEIGH FISHER

INSTALLED IN 1997

LEGEND

--- PROPOSED E.P.E. CO. 10 FT. UTIL. ESMT.

 12' X 16' TRANSFORMER EASEMENT

GRANTORS INITIALS _____

Return to:
El Paso Electric Co.
P.O. Box 982-Loc 501
El Paso, TX. 79960

APPROVED - El Paso Electric Co. for use in
subject to compliance with all applicable City codes and rules
and electrical regulations.

05/20/04
05/29/04

PROPOSED EASEMENT IN A PORTION OF
LOT 1, BLOCK 1, BUTTERFIELD
TRAIL INDUSTRIAL PARK UNIT 1
REPLAT "A", EL PASO COUNTY, TEXAS

EL PASO ELECTRIC CO. R.O.W.

DATE 01-22-04

EST. NO.

SCALE NONE

04-7-1-70004